IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

Crl.MC.No. 11195 of 2002()

PETITIONERS: ACCUSED
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1. A.K.VIJAYAN, S/O.KORAN,
ANDEZHATH HOUSE, PADIYAM, THRISSUR.

2. LEELAMANI, W/O.VIJAYAN,
ANDEZHATH HOUSE, PADIYAM, THRISSUR.

BY ADV. SRI.P.K.ASHOKAN
SMT.S.JEEJABHAI

RESPONDENTS: COMPLAINANT
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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. NIRMALAN, S/O.RAMAN, KOTTIYATTIL HOUSE,
PARAVATHANI, OLLUKKARA, THRISSUR.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH
SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 22/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.MC. NO. 11195/2002

ORDER ON CRL.MP. 8823/2002 IN CRL.MC. 11195/2002

DISMISSED

22.08.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.S. TO JUDGE

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K.R.UDAYABHANU, J

Crl.M.C.No.11195 of 2002

Dated this the 22nd day of August, 2007

O R D E R

The petitioners, husband and wife, have sought for getting quashed the proceedings initiated in crime No.583/02 pending before the CJM, Thrissur with respect to the offences under Sections 468 and 420 read with Section 34 of IPC.

2. It is the case of the petitioner that the name of the second petitioner was not mentioned as an accused in the private complaint. The second respondent and the S.I. of police had filed a false report under Section 167 Crl.P.C. The second petitioner who is aged 70 years has been incorporated unnecessarily at the time of the investigation, despite the fact that the defacto complainant had not raised any allegations against the second petitioner.

3. The prosecution case is that the first petitioner herein entered into an agreement for sale of 17 cents of property with the defacto complainant/second respondent and received a sum

of Rs.1lakh as part of a sum of Rs.6,00,000/- the sale consideration. Subsequently it was came to the notice of the defacto complainant that the first petitioner is not having title with respect to the property and the document is only a forged one.

4. It appears that the name of the second petitioner has been incorporated unnecessarily. I find that the final report would have been filed. In the circumstances, I find that the appropriate remedy for the petitioner is to file an application before the trial court for discharge in case of the final report is filed. There is no scope for interference at the investigation stage.

The Crl.M.C. is dismissed.

K.R.UDAYABHANU,
JUDGE

csl

K.R.UDAYABHANU, J

Crl.R.P.No.1144/2000

ORDER

8th August 2007